

REMARKS

At the outset, Applicant notes that the Examiner has apparently inadvertently not considered the Information Disclosure Statement that was submitted in connection with this application on January 12, 2001. A copy of that Information Disclosure Statement and attached forms 1449 are attached again for the Examiner's information. If necessary, Applicant can forward copies of those references again to the Patent Office. Because the Information Disclosure Statement was filed in advance of the mailing date of the first Office Action, it is unnecessary for Applicant to pay any fee to have the references considered.

The Examining Attorney rejected claim 5 based on Section 112, second paragraph. In view of the cancellation of claim 5 as noted in the foregoing amendments, the rejection of claim 5 is no longer relevant.

The Examiner has rejected the remaining claims pursuant to Section 102 and Section 103 in view of the Craig or McMillan references. For the reasons set forth in more detail herein, Applicant submits that the claimed invention is, in fact, different from and nonobvious in view of the Craig or McMillan or any other references.

The Craig and McMillan references each disclose books having a pair of binders. In each case, the binders are mounted so that the binders are attached to and effectively comprise the width of the spine in each case. The result is that the binders are aligned directly opposite each other. The result, therefore, is that the leaves of paper or other bound sheets will overlap each other in the middle of the binder. As is evident from the drawings, this causes, or at the very least can cause, a bulging of the book in the middle portion thereof.

The present invention, as clarified and narrowed in the foregoing amendments, does not cover these types of known binders such as are shown in the Craig and McMillan references. Instead, the spines in the present invention are wider than the binder mechanisms, and the binder mechanisms are mounted onto one side or the other side of the binder in an offset relationship so that the overlapping paper or other material will not bulge as in the Craig or McMillan

references. This difference was the purpose for the language in the amendments in which the "offset relationship" has been emphasized. Similarly, claim 12 was originally intended to describe this offset relationship. However, since the Examiner apparently did not appreciate that description, the language was merely changed for this sake of clarification. The specific discussion of the offset relationship is contained on pages 7 and 10 of the specification. Also, many of the drawings illustrate the advantage of having the offset binders so that the complete apparatus does not bulge.

The difference between opposing binders (Craig and McMillan) and offset binders (present invention) is significant. The opposing binders can cause a thick overlap in a binder assembly. Also, as compared to the offset binders of the present invention, the rings on a relatively larger binder require a greater depth of the overall book. This means a larger amount of wasted space in a binder book such as Craig or McMillan. On the contrary, the offset relationship described in the present invention allows for a more efficient containment of papers or other materials being held by the binder. For instance, a hypothetical binder assembly according to Craig or McMillan that is approximately two inches thick describes a two inch diameter binder on each end of the apparatus. If each binder is full, then there is approximately a two inch bulge in the middle of the apparatus (four inch thickness overall). Also, the width of the overall apparatus is greater, because there are two inch diameter binders on either side. On the contrary, the present invention having a two inch thick apparatus would have a one inch binder on either side. The overlapping materials would not cause any bulge. Still further, the overall width of the binder apparatus would be two inches less, because there are only one inch diameter binders on either side.

Accordingly, the invention as presently claimed is not disclosed nor is it taught by the Craig or McMillan references. In view of the foregoing, therefore, Applicant submits that the application is now in condition for allowance. Favorable action is requested thereon.

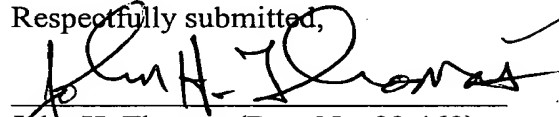


Application No. 09/680,303

Attorney Docket No. BUTCH 1

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Date: June 11, 2001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A binder apparatus comprising:

a first cover portion having a top edge, a bottom edge, a first side edge, and a second side edge;

a first spine portion having a top edge, a bottom edge, a first side edge and a second side edge, said first side edge being hingeably connected to a side edge of said first cover portion,

a second cover portion having a top edge, a bottom edge, a first side edge, and as second side edge, the first side edge of said second cover portion being hingeably connected to the second edge of said first spine portion,

said first cover portion, said first spine portion, and said second cover portion defining a notebook with a first side, a second side, a top side, and a bottom side, and

a second spine portion, said second spine portion having a top edge, a bottom edge, a first side edge, and a second side edge, and being hingeably connected to the second side portion of said second cover portion by its first side edge; and

~~a plurality of binders, at least one of said plurality of binders being located near and approximately parallel to said first side of said notebook, and at least one of said plurality of binders being located near and approximately parallel to said second of said notebook.~~

a first binder mounted on the first spine portion and a second binder mounted on the second spine portion, wherein the first and second binders are mounted in an offset relationship.

6. (Amended) A binder apparatus as claimed in claim ~~1~~ 16, wherein the ~~at least one of said plurality of binders~~ second binder located near and approximately parallel to said second side of said notebook is attached to the second cover portion.

7. (Amended) A binder apparatus as claimed in claim ~~1~~ 16, wherein the ~~at least one of said plurality of binders~~ second binder located near and approximately parallel to said second side of said note book is attached to the second spine portion.

8. (Amended) A binder apparatus as claimed in claim ~~2~~ 1, further comprising a third cover portion hingeably connected to said second side of said second spine portion.

9. (Amended) A binder apparatus as claimed in claim 1, wherein the cover and spine portions are rigid.

12. (Amended) A notebook for holding loose media, comprising:
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a first cover portion hingeably connected to a first spine portion to form a first hinge, a second cover portion hingeably connected to the first spine portion to form a second hinge, and a second spine portion hingeably connected to the second cover portion to form a third hinge,
a first binder attached to said first spine portion, said first binder being parallel to and near said first hinge while leaving an unoccupied space along said second hinge,

a second binder attached to said second spine portion, said second binder being parallel to and near said third hinge;

~~whereby, when said notebook is closed,~~ wherein said first and second binders are mounted on opposing sides of said notebook in an offset relationship and media contained in said binders are aligned with each other in contiguous planes.